

<b>CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)</b>			<b>Docket No.</b>
Applicant(s): <b>JASON PETER BROWN, ET AL.</b>			<b>A0000166-66-BD</b>
<b>Serial No.</b> 09/397,548	<b>Filing Date</b> 9/16/99	<b>Examiner</b> M. PAK	<b>Group Art Unit</b> 1646
Invention: <b>PORCINE ALPHA2DELTA-1 CALCIUM CHANNEL SUBUNIT cDNA AND SOLUBLE SECRETED ALPHA2DELTA-1 SUBUNIT POLYPEPTIDES</b>			
<i>4 pages</i>			
I hereby certify that this <u>Response to Restriction Requirement</u> <small>(Identify type of correspondence)</small>			
is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. <u>703-308-4242</u> )			
on <u>June 1, 2001</u> <small>(Date)</small>			
<u>Cindy Malocha</u> <small>(Typed or Printed Name of Person Signing Certificate)</small>			
<u>Cindy Malocha</u> <small>(Signature)</small>			
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<b>OFFICIAL</b>			

Docket No. A0000166-66-BD**Certification Under 37 C.F.R. § 1.8 or 1.10**

I hereby certify that this correspondence and any attachments are, on the date below, being:

☐ deposited with the United States Postal Service with sufficient postage as first class mail addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

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Date: June 1, 2001

Signature

Cindy Malocha

Typed/Printed Name of Person Making Certification

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**Applicant(s): JASON PETER BROWN, ET AL.Examiner: M. PakApplication No.: 09/357,548Art Unit: 1646Filed: SEPTEMBER 16, 1999Title: PORCINE  $\alpha_2\delta$ -1 CALCIUM CHANNEL SUBUNIT cDNA AND SOLUBLE SECRETED  $\alpha_2\delta$ -1 SUBUNIT POLYPEPTIDESAssistant Commissioner for Patents  
Washington, D.C. 20231**Transmittal of a Response to a Restriction Requirement**

Assistant Commissioner for Patents:

Transmitted herewith is a response relating to the above-identified patent application.

No fee is required.

Respectfully submitted,

Charles W. Ashbrook

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June 1, 2001  
Date

Attachment

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PD-A0000166-66-BD

## IN THE UNITED STATES PATENT &amp; TRADEMARK OFFICE

APPLICANTS : JASON PETER BROWN, ET AL. EXAMINER : M. PAK  
SERIAL NO. : 09/397,548 ART UNIT : 1646  
FILED : SEPTEMBER 16, 1999 PAPER NO. : 8  
FOR : PORCINE  $\alpha_2\delta$ -1 CALCIUM CHANNEL SUBUNIT cDNA AND  
SOLUBLE SECRETED  $\alpha_2\delta$ -1 SUBUNIT POLYPEPTIDES

#8  
JgJ  
6/2/01

## RESPONSE TO RESTRICTION REQUIREMENT

June 1, 2001

FAX

JUN 01 2001

GROUP 1600

Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

This letter is responsive to the Office Action issued in the captioned patent application on May 9, 2001, Paper No. 7.

Claims 1-15 were presented for examination. The Examiner has set forth a six-way requirement for restriction pursuant to 35 U.S.C. 121. The Examiner has asserted that proposed Groups I-VI constitute separate and patentably distinct inventions. Applicants respectfully traverse the requirement and courteously request the Examiner to reconsider the basis for restriction, and at the very least to modify the requirement.

Applicants respectfully assert that, at the very least, Groups V and VI should be considered together. Group V is Claims 13-15 drawn to isolated porcine polypeptide, and Group VI is Claims 13-15 drawn to isolated human polypeptide. Both groups are classified in the same class, and the same subclass. While Groups I-IV are admittedly classified in different classes and subclasses, this should not dictate that restriction is proper, since classification is merely for convenience as an aid in searching. What is

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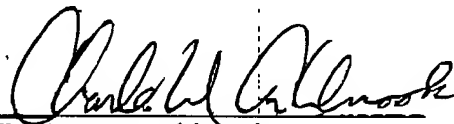
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more important, is that all of the claims deal with a single polypeptide type, namely the calcium channel  $\alpha_2\delta$ -1 subunit, and processes for its preparation and isolation.

Accordingly, the skilled artisan would expect all of the current Claims 1-15 to constitute a single invention.

In order to be totally responsive, however, Applicants hereby elect the subject matter of Group VI, Claims 13-15, drawn to isolated human polypeptide. Applicants urge the Examiner to, at the very least, combine Groups V and VI into a single case. Applicants reserve the right to file divisional applications on any subject matter that might subsequently be cancelled from the present case.

Respectfully submitted,



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